

Remarks

I. Status of Claims

Claims 1, 2, 5-8, and 10-14 are currently pending in the application. Claims 1, 7, and 11 are independent and currently amended. The Applicant believes that no new matter is added.

Claims 1, 2, 5-8, and 10-11 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Kawashima *et al.* (US 6,851,258) (hereinafter “Kawashima”) in view of Tashiro *et al.* (US 6,662,480) (hereinafter “Tashiro”), Schaller *et al.* (US 6,948,311) (hereinafter “Schaller”), and Boretto *et al.* (US 6,941,750) (hereinafter “Boretto”).

The Applicant respectfully requests reconsideration of these rejections in view of the following remarks and the foregoing amendments.

II. Applicant’s Statement of Substance of Examiner Interview

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the interviews conducted on July 23 and July 28, 2008 with Examiner Nguyen.

(A) Exhibits. N/A.

(B) Claims. 1, 7, and 11.

(C) References Discussed. Schaller (USP 6,948,311).

(D) Amendments. Amending independent claims to recited that “the intermittent fuel addition increases a catalyst temperature so that the catalyst temperature in the burn-up control is higher than 650° C and higher than the catalyst temperature at the time the estimated accumulation amount is less than the determination value in order to burn up particulate matter that is deposited at an upstream end of a particulate filter.”

(E) Principal arguments of Applicant. The cited references do not describe intermittent fuel addition with catalyst temperatures higher than 650° C.

(F) Other matters. None.

(G) Results. Agreement was reached that claims were allowable pending a further search by the Examiner. The Applicant would submit response with proposed amendments.

III. Pending Claims

Independent claims 1, 7, and 11, the only independent claims, stand rejected under 35 USC 103(a) as being allegedly unpatentable over Kawashima in view of Tashiro, Schaller, and Boretto.

The Applicant respectfully submits that claims 1, 7, and 11 are patentable over the cited references at least because they recite, "...the intermittent fuel addition increases a catalyst temperature so that the catalyst temperature in the burn-up control is higher than 650° C and higher than the catalyst temperature at the time the estimated accumulation amount is less than the determination value in order to burn up particulate matter that is deposited at an upstream end of a particulate filter." (emphasis added)

Following the above-identified amendments, independent claims 1, 7, and 11 are amended to clarify that the catalyst bed temperature in burn-up control is higher than 650° C and higher than a temperature of the catalyst bed before the burn-up control.

The Applicant respectfully submits that, as argued in the interviews with Examiner Nguyen on July 23rd and 28th, respectively, that the cited references do not describe the exhaust purifying apparatuses/methods of the inventions of claims 1, 7, and 11. Moreover, the Applicant respectfully submits that it would not have been obvious to modify the cited references so that they are configured to use intermittent fuel addition to increase a catalyst temperature so that the catalyst temperature in the burn-up control is higher than 650° C.

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 1, 7, and 11, as well as their dependent claims, are patentable over the cited references.

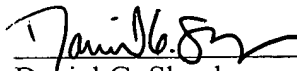
IV. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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